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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,931

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Mattheus Jacobus Van Der Meer

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DEFRANK, JOSEPH S

ART UNIT

PAPER NUMBER

3724

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,931	<b>Applicant(s)</b> VAN DER MEER, MATTHEUS JACOBUS	
	<b>Examiner</b> JOSEPH DEFRANK	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-20-06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "21" has been used to designate both a gear wheel (figure 2) and the end of arm 15 (figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Futterer et al. (US Patent 3,213,536).

5. With respect to claim 1, Futterer et al. discloses a shaving apparatus comprising: at least one shaving head (16) comprising at least one cutter (41''); a trimmer (15); and a drive structure comprising a motor (27) and a transmission structure (see figures 1-3) for driving the at least one cutter (41'') and the trimmer (15); the trimmer (15) being disengageable from the drive structure; characterized by reversing means (switch 28) for reversing at least a portion of the drive structure between a first sense of rotation and a second, opposite sense of rotation; and a unidirectional clutch (figure 3) between at least said portion of the drive structure of which the sense of rotation is reversible and the at least one cutter (41'').

6. With respect to claims 2 and 3, Futterer et al. discloses the shaving apparatus wherein the reversing means (28) co-operate with the trimmer (15) for reversing said sense of rotation in response to an action of putting said trimmer (15) into and out of operation. When the switch is thrown in one direction, the motor drives the small hair trimmer. When the switch is thrown in the other direction, the polarity of the circuit is reversed and the motor is driven in the opposite direction causing the small hair trimmer to not operate while the trimmer (15) is put into operating status.

7. With respect to claim 5, Futterer et al. discloses the shaving apparatus wherein a portion of the transmission structure for driving the trimmer (15) branches off from a portion of the transmission structure for driving said at least one cutter (41'') at a shaft

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(1) coupled to be directly driven by the motor (27). A bar (18) branches off from the transmission assembly (figures 1-3) to drive the trimmer (15).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US Patent 5,577,324) in view of Futterer et al. (US Patent 3,213,536).

11. With respect to claims 1-3, Tanaka discloses a shaving apparatus (10) comprising: at least one shaving head (37) comprising at least one cutter (42); a trimmer (72); and a drive structure comprising a motor (16) and a transmission structure (gearing in figure 1 and driving lever 82) for driving the at least one cutter (42) and the trimmer (72); the trimmer (72) being disengageable from the drive structure (see column 8 line 35 through column 9 line 3; in down position, drive lever 82 is not in contact with the motor). Tanaka does not disclose the trimmer (72) being disengageable

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characterized by reversing means for reversing at least a portion of the drive structure between a first sense of rotation and a second, opposite sense of rotation, through switching circuitry, in response to an action of putting said trimmer into and out of operation; and a unidirectional clutch between at least said portion of the drive structure of which the sense of rotation is reversible and the at least one cutter.

Futterer et al. discloses a shaving apparatus comprising: at least one shaving head (16) comprising at least one cutter (41''); a trimmer (15); and a drive structure comprising a motor (27) and a transmission structure (see figures 1-3) for driving the at least one cutter (41'') and the trimmer (15); the trimmer (15) being disengageable from the drive structure; characterized by reversing means (switch 28) for reversing at least a portion of the drive structure between a first sense of rotation and a second, through switching the circuitry (polarity of the current), opposite sense of rotation, in response to an action of putting said trimmer into and out of operation (through switch 28); and a unidirectional clutch (figure 3) between at least said portion of the drive structure of which the sense of rotation is reversible and the at least one cutter (41''). Futterer et al. essentially teaches that it is known in the art to provide a transmission assembly that selectively drives a shaver when the motor is running in one rotational direction and selectively drive the trimmer when the polarity of the motor is reversed and the motor is rotating in the opposite direction. This type of transmission is used to reduce energy consumption and to reduce unnecessary wear on the blades not being used (column 1, lines 46-70). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a transmission assembly allowing for selectively

operating either the trimmer or the cutter by reversing the polarity of the current to the motor and polarity reversing switch to the shaver of Tanaka in order to selectively operate the cutter or the trimmer to save energy and reduce wear in view of the teachings of Futterer et. al.

12. With respect to claim 4, the shaver of Tanaka discloses the top cutter running off of a gear reduction (which slows the cutter down with respect to the original motor rotational speed; see figure 1 with gears 18c and 20) and the trimmer oscillating with respect to the motor rotation (column 9, lines 1-3). Thus, the number of revolutions per unit time of the cutter is higher than the number of revolutions (oscillations) per unit time of the cutter.

13. With respect to claim 5, Tanaka discloses a portion of the transmission structure for driving the trimmer branches off from a portion of the transmission structure for driving the cutters at a shaft coupled to be directly driven by the motor. The motor is coupled to the driving lever (82) through a linkage system, and thus a portion of the transmission structure branches off away from the main transmission structure.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The art of Labrign, and the two references of Van Hout et al. are noted as considered pertinent to the applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEFRANK whose telephone number is

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(571)270-3512. The examiner can normally be reached on Monday - Thursday; 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph De Frank  
Examiner  
Art Unit 3724

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